

# Exhibit 4

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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NO. 96-1508

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UNITED STATES OF AMERICA,

Appellee  
v.

JOSEPH M. McDADE,

Defendant

CUSTODIAN OF RECORDS,  
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,  
UNITED STATES HOUSE OF REPRESENTATIVES,  
Appellant

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ON APPEAL FROM THE ORDER OF THE UNITED STATES  
DISTRICT COURT FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA DIRECTING THE PRODUCTION OF RECORDS  
PURSUANT TO FED.R.CRIM.P. 17(c), AT CRIMINAL NO. 92-249

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ARGUED: July 12, 1996  
BEFORE: Becker, Stapleton and Greenberg, Circuit Judges.

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ORDER

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It appearing to the Court that:

(1). The district court has ruled that the documents at issue are protected by the privilege conferred by the Speech or Debate Clause, and that ruling has not been challenged before us;

(2). With this determination made, our decision in In re: Grand Jury Proceedings, 587 F.2d 589 (3d. Cir. 1977) ("Eilberg") neither required nor authorized disclosure to the government;

(3). It was error for the district court to require production of the documents at issue to the government at the time of the district court's order;

It is hereby ORDERED that the portions of the district court's order of June 5, 1996 appealed from are VACATED.\*

BY THE COURT:

  
Circuit Judge

DATED: JUL 12 1996

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\*. If in the course of future proceedings, the district court determines that a legitimate issue exists as to whether there has been a valid waiver of the Committee's privilege, nothing here said is intended to preclude the district court from ordering the documents at issue produced for its inspection in camera in connection with the resolution of that issue.